

Amylin 858-552-2212

Jun 10, 2004 03:38PM PST >USPTO

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JUN 10 2004

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**FAX TRANSMISSION**

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DATE: 06/10/2004

TO: PTO Central Fax

FAX NO: +1 (703) 872-9306

FROM: Trus, Diane

RE: U.S. Serial No. 09/011,940; Request for Refund Under 37 C.F.R. 1.26

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*Number of pages being transmitted including this sheet:* 3

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Docket No. 0205-UTL-9  
Serial No. 09/011,940

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Nauck  
Serial No.: 09/011,940  
Filed: March 3, 1999  
Allowed: May 24, 2004  
For: Method and Composition for Enhance Parenteral Nutrition

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## REQUEST FOR REFUND UNDER 37 C.F.R 1.26

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria VA 22313-1450

OFFICIAL

Sir:

Applicant respectfully requests a refund to Applicant's Deposit Account, No. 01-0535. Applicant paid fees in excess of the amount of fee required in a Petition for Extension of Time filed with a Response to Office Action on April 16, 2004 for the patent application identified above. In error, the applicant requested a 3-month extension of time, and authorized the payment of large entity fees.

In connection with a Final Office Action mailed by the Office on November 10, 2003 for this patent application, Applicant filed a Notice of Appeal on February 10, 2004. The filing of a Notice of Appeal provided Applicant with two months to file papers without any fees, to April 10, 2004, and extensions of time with fees thereafter under 37 CFR 1.136(a).

Therefore, when Applicant filed a Response to Office Action on April 16, 2004, only a 1-month extension of time was required. Applicant should have requested a 1-month extension of time and authorized the payment of small entity fees. The correct amount due for the Petition of Extension of Time filed on April 16, 2004 is \$55.00, not \$950.00 as

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office Central Fax at (703) 872-9306 on this 10 day of June, 2004.

June 10, 2004  
Date of Deposit

Diane Trus  
Name of Person Transmitting Facsimile  
[Signature]  
Signature of Person Transmitting Facsimile

Docket No. 0205-UTL-9  
Serial No. 09/011,940

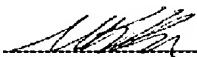
PATENT

authorized in the Petition. Applicant paid \$895.00 in excess of the amount of fee actually required for the Petition.

Applicant respectfully requests a refund of \$895.00 to be credited to Applicant's Deposit Account, No. 01-0535.

Respectfully submitted,  
AMYLIN PHARMACEUTICALS, INC.

6/10/2004  
Date

  
Mi K. Kim  
Registration No. 44,830

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